

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MIXING & MASS TRANSFER  
TECHNOLOGIES, LLC, PETER KOS,  
Ph.D.;

Plaintiffs,

vs.

HDR, INC., CITY OF LINCOLN,  
Nebraska; and HDR ENGINEERING, Inc.;

Defendants.

4:11CV3068

**MEMORANDUM AND ORDER**

After conferring with counsel, and mindful that this case has been pending for over a year with substantial court and counsel resources already expended herein,

IT IS ORDERED:

- 1) The motion to withdraw filed by Cline Williams Wright Johnson & Oldfather, LLP and its attorneys, Richard P. Jeffries, Mary Ann Novak and Michelle L. Sitorius, as counsel of record for Plaintiffs Mixing & Mass Transfer Technologies, LLC and Peter Kos (filing no. 82), is granted.
- 2) On or before January 28, 2013, Plaintiff Peter Kos shall either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of his intent to litigate this case without the assistance of counsel. The failure to do so may result in a dismissal of Plaintiff Kos' claims **with prejudice** and without further notice.
- 3) Plaintiff Mixed & Massed Transfer Technologies, LLC, a limited liability company, cannot litigate its action in this forum without representation by licensed counsel. [Knoefler v. United Bank of Bismarck, 20 F.3d 347, 347-48 \(8th Cir. 1994\)](#). On or before January 28, 2013, it shall obtain the services of counsel and have that attorney file an appearance on its behalf, in the absence of which the court may dismiss Plaintiff Mixed & Massed Transfer Technologies, LLC's claims **with prejudice** and without further notice.

4) The clerk shall mail a copy of this order to the plaintiffs at:

John R. McWhirter, Ph.D., President  
Mixing & Mass Transfer Technologies, LLC  
101 Blackberry Lane  
Boalsburg, PA 16827

Peter Kos, Ph.D.  
68 Russell Street  
Sunderland, MA 01375

December 27, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge